

# Minutes of a Regular Meeting

Approved 4/10/03

## Town of Los Altos Hills PLANNING COMMISSION

Thursday, March 13, 2003, 7:00 p.m.  
Council Chambers, 26379 Fremont Road  
cc: Cassettes (2) #03-03

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### 1. ROLL CALL AND PLEDGE OF ALLEGIANCE

The Planning Commission regular meeting was called to order at 7:00 p.m. in the Council Chambers at Town Hall.

Present: Chairman Vitu, Commissioners Clow, Cottrell, Kerns & Wong

Staff: Carl Cahill, Planning Director; Debbie Pedro, Assistant Planner; Angelica Herrera, Assistant Planner; Lani Smith, Planning Secretary

### 2. PRESENTATIONS FROM THE FLOOR-none

### 3. PUBLIC HEARINGS

- 3.1 LANDS OF CORRIGAN, 13441 Robleda Road (192-02-ZP-SD-GD); A request for a Site Development Permit and review of an Initial Study and Mitigated Negative Declaration for replacement of an existing driveway and bridge (continued from February 27, 2003). (staff-Angelica Herrera)

Commissioners Vitu and Kerns stepped down from the hearing noting a conflict of interest from campaign contributions received from the applicants in excess of \$250.

Staff introduced this item noting two changes to the conditions of approval: #7, "the property owner shall obtain all necessary permits from the Department of Fish and Game *prior to issuance of building permit*"; and #9 should include the statement "and the proposed reservation of Ingress/Egress easement" in the first and second sentences. Staff also requested a conservation easement over the creek up to a point 25 feet of top of bank.

### OPENED PUBLIC HEARING

Susan Roberts, Giuliani & Kull, Inc., project engineer, provided a background of the previous project at 13445 Robleda Road and the need for access to 13441 Robleda Road.

Sandy Humphries, Environmental Design Committee, stated her issue was not the bridge or culvert but the vineyards planted close to the creek. There should be a regulation in place requiring vineyards, when sprayed, to use a non-toxic type spray. If not, a policy of notifying

neighbors to keep animals and small children indoors during spraying. The Town may also want to consider a policy regarding the placement of vineyards and that they are not planted during the rainy season to avoid silt running down into the creek area.

#### CLOSED PUBLIC HEARING

Brief discussion ensued.

MOTION SECONDED AND PASSED: Motion by Commissioner Cottrell and seconded by Commissioner Wong to approve the Site Development Permit, subject to the conditions of approval in attachment 1, and recommend to the City Council adoption of the Initial Study and Mitigated Negative Declaration for replacement of an existing driveway and bridge, Lands of Corrigan, 13441 Robleda Road.

AYES: Commissioners Wong, Cottrell & Clow  
NOES: None  
ABSTAIN: Chairman Vitu & Commissioners Kerns,

This item will be on the March 20, 2003 City Council agenda.

#### 3.2 LANDS OF MENDEZ, 27581 Elena Road (211-02-ZP-SD); A request for a Site Development Permit for landscape screening and hardscape improvements. (staff-Debbie Pedro)

Staff provided an overview of the barn and arena project previously approved. In addition to the proposed landscape plan, the applicant is proposing additional hardscape improvements. When the barn and arena was approved, the applicant indicated that plans for the main residence would be submitted to the Town for review within six (6) months. But 19 months following the Site Development approval the Planning Department has received no evidence that substantial progress has been made towards the development and construction of the new residence. Pursuant to Section 10-2.1306 of the Municipal Code, the applicant has the opportunity to advise the Planning Commission on the status of the new residence. She further discussed the main residence status and the requiring of a \$25,000 performance deposit to be submitted prior to final inspection of the barn. Also, letters from Mr. Solomon, Mr. McAulay and Mr. Meyer were received.

#### OPENED PUBLIC HEARING

Ken Pastrof, Owen Companies, 445 S. San Antonio Road, Los Altos, project representative, stated they had no problem with the requested \$25,000 bond and they are in agreement with the conditions of approval. They are within 30 days of submitting the formal application for the house plans. He addressed Mr. Solomon's letter noting the improvements have already been installed. The Planning Director noted that these types of drainage systems are encouraged by the Regional Board. What they discourage is concrete lined pipes and channels that discharge directly into creeks.

Ernest Solomon, 27500 Elena Road, a Director for the Purissima Hills Water District, encouraged the use of plantings which do not require much water. He asked that they reconsider the types of plantings proposed in some areas. He further discussed his concerns with trench drainage under the arena and the concern with effluent laced material flowing into Matadero Creek.

Commissioner Clow noted he had spoken to Mike Mendez who indicated that perhaps the landscape plan was aggressive by having more plantings than necessary. Perhaps by having fewer plantings they would actually mitigate the use of water.

Sandy Humphries, Environmental Design Committee, discussed the landscape plan making recommendations and modifications.

Pete Foley, 13124 Byrd Lane, whose property is impacted by the Mendez property had previously expressed concern regarding the sheer size of the development and not knowing where the house would be sited. He asked that story poles be erected indicating the location of the house prior to approval of this landscape plan. He felt substantial improvements may make the house placement difficult.

Ken Pastrof stated the civil engineer was present and could address any drainage concerns, if needed. He stated he would be happy to discuss the recommendations regarding plantings and for plants with lower water requirements with the applicants for consideration, coming back to staff with changes or modifications.

Commissioner Cottrell questioned water usage with rain birds rather than using a drip system.

Susan Roberts discussed the system of catch basins which collect water from critical points on the site which are transported to an installed detention basis system. The system is designed to take the water and hold it for a time before it is released into the swale and on down into the system. This reduces the peak flow into the creek below. Regarding Mr. Solomon's concern, she stated that the arena is not an area the horses will be hanging out in.

Rick McAulay, 27501 Elena Road, was concerned with the final appearance of the artificially steep slope in the drainage area on the southwestern edge of the property. He understood that the design intention is to establish native grass on this slope but to do so successfully and avoid the "eroded highway embankment look" from off site will take special care.

#### CLOSED PUBLIC HEARING

Commissioner Cottrell felt the plan was well done and appreciated suggestions by Sandy Humphries, working with staff to use less water. They can optimize water use by using a drip system. Commissioner Wong agreed. He noted that any trees put on the property may be influenced by the new view ordinance. Commissioner Clow had met with Mike Mendez on the site who felt the plan was more aggressive then needed. The applicant can work with staff

regarding water use and meeting the objectives of the applicants. The riding ring and trenches help with proper drainage. The retaining wall behind the riding ring looks a lot less visible than he expected. He can support this application. Commissioner Kerns also agreed and could support the project. Chairman Vitu also agreed. At this point she would like to make sure there is adequate screening of the site. Any additional landscaping can be put in at a later date.

**MOTION SECONDED AND PASSED:** Motion by Commissioner Wong and seconded by Commissioner Cottrell to approve the Site Development Permit for landscape and hardscape plan, Lands of Mendez, 27581 Elena Road, with the following additions/changes to the conditions of approval: applicant work with staff and the Environmental Design Committee on an acceptable plan, taking into consideration water consumption and view protection as well as the type of trees, irrigation, and other plantings. If the applicant would like to voluntarily reduce some of the landscape elements, they would be allowed to if staff determines that it does not reduce the screening. Staff will red line the plans as to what is required landscaping.

AYES: Chairman Vitu, Commissioners Clow, Cottrell, Kerns & Wong  
NOES: None

This item is subject to a 23 day appeal period.

3.3 "VIEW AND SUNLIGHT PROTECTION ORDINANCE" The proposed ordinance establishes property owner rights to maintain views or access to sunlight and a process by which persons may seek restoration of such views or sunlight. (staff-Carl Cahill)

The Planning Director introduced this item stating on February 27, 2003, the Planning Commission conducted a study session and reviewed the draft ordinance. The following requested changes were made: (1) Incorporation of the six general principles of the proposed ordinance under Section 10-2.8.1.01; (2) Correction of typos and deletion of references to Tiburon, "Active Use Area", commercial building, County of Marin; (3) Deletion of Coastal Redwood from undesirable tree list in Section 10-2.8.1.08; and (4) Revise ordinance language so that the ordinance is not retroactive and would protect only those views that exist from the date of adoption of the ordinance by City Council. He noted the Mayor was concerned that this is not retroactive and perhaps the need for a floating date as to when this ordinance would apply. Regarding the Palos Verdes ordinance or any other, you will need to balance views with trees. There are two approaches: keep the Town out of it, or for the Town to take upon itself as arbitrator and taking on the cost of time and legal issues. The Palos Verdes ordinance does not provide any more protection than the Tiburon ordinance. Regarding a floating date, there should be some time limit for complaints. He had spoken to the Tiburon Planning Director regarding the process. He agreed the ordinance works and has been in effect for some time. Commissioner Cottrell asked if there was any demand for this ordinance other than from the Mayor. The Planning Director responded that the Town wide survey indicated a 70% response in favor of a view protection ordinance (trees and structures). Discussion ensued regarding the following: Tiburon ordinance process; Section 10-2.8.1.20. Tree Claim Preparation; Section 10-2.8.1.08 Town Guidelines Concerning Restorative Action, Permanence (disclosure); resident's

rights to views; "Rights Established", add that the purpose of trees to screen houses from each other; Section 10-2.8.1.06 Criteria for Determining Appropriate Restorative Action, adding (j) screening should be taken into account; and exempting conservation easements from the ordinance.

#### OPENED PUBLIC HEARING

Jim Abraham, 12831 Viscaino Road, stated the Mayor has no problem maintaining his views. He thought the reason it was brought up was due to the Town survey. There was a problem with indiscriminate and thoughtless planting of trees over the years. People who had views should have an opportunity to have them restored back to what they had when they bought their property. He further discussed "Discussion" items, 3 and 4. He preferred how the ordinance was originally written. This ordinance, if adopted, would ask the people to be responsible, requiring them to work together, creating a framework to work within and not involve the Town. He asked the Commission to reconsider the previous modifications made.

Sandy Humphries, Environmental Design Committee, discussed enforcement (CC&R's), limiting when not to trim trees (bird nesting season March 15 through September), and hiring a Town arborist.

Jim Abraham further discussed the Tiburon ordinance, 15-6(h).

#### CLOSED PUBLIC HEARING

Commissioner Kerns liked the concept of the view ordinance. He preferred the Tiburon ordinance which is simplistic and puts the burden on the neighbors to work out a solution. It is good that the ordinance is not retroactive. Something should be added regarding trees for screening. Commissioner Clow would like to add (j) to 10-2.8.1.13, Cost of Mediation and adding to the "Trees on Town-owned Property" to include conservation easements. He would prefer a bias towards the person who is making the complaint as he would hope the complaining party would be paying for the trimming of trees, etc. The Planning Director noted the ordinance indicates a 50/50 payment. Commissioner Clow would not make the ordinance retroactive. Commissioner Wong requested putting "Coastal Redwood" back in the "undesirable" category. He felt the issue was one of height. Commissioner Cottrell agreed with most of the comments. He was troubled with the administration of this noting more work is needed. How do you establish a view and make it a permanent record if this is the intent. In future years as properties are turned over and trees grow does an owner run out and show a photo that is 20 years old? There should be some type of time limit. He also likes redwood trees and would not exempt them. They need to define better what is a view and how it is to be protected. The Commission questioned at what point is a tree for screening and at what point is it considered blocking a view and what type of view are they talking about. It was suggested adding a definition of "screening".

MOTION SECONDED AND PASSED: Motion by Commissioner Clow and seconded by Commissioner Wong to forward the proposed View and Sunlight Protection Ordinance to the City Council with recommendations and modifications as follows: provide definition for screening (what is it?) (i.e. trees and shrubs to obscure the view of the house from off site) (generally not to exceed the ridgeline of the structure); not to be retroactive; add to Section 10-2.8.1.06, item (j) value of trees for screening; conservation easements where required by conditions of approval; time limit for complaints (what is appropriate time); Section 10-2.8.1.08. remove "Permanence" wording; Section 10-2.8.1.10, (a), change "A description of the nature and extent of the alleged obstruction, including pertinent and corroborating physical evidence. Evidence may include, but is not limited to photographic prints, negatives or slides. Such evidence must show absence of the obstruction at any documentable *time after adoption of the ordinance*"; add separate section regarding Coastal Redwoods being potentially obstructive, not undesirable (if such trees are planted they should be planted with care).

There was a concern regarding the long term impacts, recommending that the City Council revisit the ordinance in one year to review the effectiveness.

AYES: Chairman Vitu, Commissioners Kerns, Cottrell, Clow & Wong  
NOES: None

This item will be scheduled for a future City Council agenda with Town wide mailing.

4. OLD BUSINESS

4.1 Report from subcommittees-none

5. NEW BUSINESS

5.1 Proposed Modifications to Approved Plans-Lands of Evershine

Commissioner Wong stepped down from the discussion due to his relationship with the applicants. Staff provided an overview of the request from the applicants to make adjustments to the approved plans. Overall, the changes to the approved plans result in a reduction in floor and development areas. The Planning Commission may request to review the modifications to the approved plans at a public hearing or direct the Planning Director to review the changes to the approved plans accordingly.

Discussion ensued. It was agreed that the changes made for a better plan (less grading and reduces the floor and development area amounts), directing the Planning Director to review the changes.

6. REPORT FROM THE CITY COUNCIL MEETING

- 6.1 Planning Commission Representative for March 6<sup>th</sup> – reviewed the meeting.
- 6.2 Planning Commission Representative for March 20<sup>th</sup> – Commissioner Kerns

- 6.3 Planning Commission Representative for April 3<sup>rd</sup> – Commissioner Wong
- 6.4 Planning Commission Representative for April 17<sup>th</sup> – Commissioner Vitu

7. APPROVAL OF MINUTES

- 7.1 Approval of February 27, 2003 minutes

PASSES BY CONSENSUS: To approve the February 27, 2003 minutes.

8. REPORT FROM FAST TRACK MEETING- MARCH 11, 2003

- 8.1 LANDS OF KILLIAN & LEE, 27961 Central Drive (209-02-ZP-SD-GD); A request for a Site Development Permit for a new residence, a secondary dwelling unit and pool house. Approved with conditions.
- 8.2 LANDS OF ERNDT & CARSON, 13452 Carillo Lane (23-02-ZP-SD-GD); A request for a Site Development Permit for a new residence with basement. Approved with conditions.
- 8.3 LANDS OF YU, 26625 Ascension Drive (171-02-ZP-SD); A request for a Site Development Permit for a new residence, secondary dwelling unit, and a swimming pool. Approved with conditions.

Commissioner Kerns requested staff reports on future Fast Track items to be included in their packets and for an overview of the Fast Track process over the last few years.

9. ADJOURNMENT

The meeting was adjourned by consensus at 9:15 p.m.

Respectfully submitted,

Lani Smith  
Planning Secretary